**HON'BLE SHRI G.S.SINGHVI, THE CHIEF JUSTICE**
**AND**
**HON'BLE SHRI JUSTICE G.V.SEETHAPATHY**

**WRIT APPEAL NO.733 OF 2006**

Between:

Medical Council of India
and another

. . .Appellants

AND

Dr. K.Ramakumar and others

. . .Respondents

Counsel for the appellants : Shri P.Sriharsha Reddy for Shri S.Niranjan Reddy

Counsel for the respondent No.1 : Shri K.V.Bhanu Prasad

Counsel for the respondent No.2 : Shri M.Chandrasekhar Rao

Counsel for the respondent No.3 : None

Counsel for the respondent No.4 : Government Pleader for Medical, Health and Family Welfare

**Dated: 10th July, 2006**

**: JUDGMENT :**

**PER G.S.SINGHVI, CJ**

This appeal is directed against order dated 14.11.2005 passed by the learned Single Judge in W.P.No.24284 of 2005 whereby he quashed the action of appellant No.1 – Medical Council of India to erase name of the writ petitioner (respondent No.1 herein) from Indian Medical Register temporarily for a period from 01.11.2004 to 31.07.2007.

We have heard learned counsel for the parties and perused the record.

A reading of order under challenge shows that the learned Single Judge did not decide the issue raised in the writ petition because counsel appearing for appellant No.1 stated that subject matter of the writ petition is covered by judgment of Division Bench in W.A.No.2107 of 2004 and batch decided on 05.04.2005.

In our opinion, after having conceded that the issue raised in the writ petition filed by the respondent is covered by judgment of Division Bench, it is not open to the appellants to question the order passed by the learned Single Judge.

At this stage, learned counsel for the appellants submitted that the statement conceding the case set up by the writ petitioner may have been made by the advocate under a bona fide mistaken impression. If that be so, the only remedy available to the appellants is to file an application for review of order of the learned Single Judge.

With the above observations, the appeal is dismissed. However, it is made clear that this order shall not preclude the appellants from

filing an application for review of order under challenge.

**G.S.SINGHVI, CJ**

**G.V.SEETHAPATHY, J**

Date: 10.07.2006

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